

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN SCATCHELL,)
Plaintiff,) Case No. 18-cv-3989
vs.)
Judge John F. Kness
VILLAGE OF MELROSE PARK,)
RONALD M SERPICO, SAM C. PITASSI,) Magistrate Judge Jeffrey Cummings
MICHAEL CASTELLAN, and)
STEVE ROGOWSKI) JURY TRIAL DEMANDED
Defendants.)

**DEFENDANTS' JOINT RESPONSE TO PLAINTIFF'S MOTION
FOR LEAVE TO FILE FIRST AMENDED COMPLAINT**

NOW COMES the Defendants, VILLAGE OF MELROSE PARK, by and through its attorney, JEFFREY S. FOWLER of LANER MUCHIN, LTD.; RONALD M. SERPICO by and through his attorney, K. AUSTIN ZIMMER of DELGADO LAW GROUP, LLC.; and, SAM C. PITASSI, MICHAEL CASTELLAN and STEVE ROGOWSKI, by and through their attorney, MICHAEL D. BERSANI of HERVAS, CONDON & BERSANI, P.C., and jointly respond to Plaintiff's Motion for Leave to File a First Amended Complaint.

In support thereof, Defendants state the following unto this Honorable Court:

1. On May 6, 2020, this Court entered a Scheduling Order setting a deadline for the amendment of pleadings to June 12, 2020 (d/e #57).
2. On June 12, 2020, at 4:02 p.m., counsel for Plaintiff John Scatchell, Sr. notified Defendants' counsel by email that he would be filing a motion for leave to file a First Amended

Complaint and attached a copy of the proposed amendment for Defendants' review and asked if there was any objection.

3. The proposed amendment increased the original complaint from 16 pages to 43 pages and encompassed 183 paragraphs. Defendants did not have a reasonable opportunity to review the proposed amendment on such short notice and indicated so to Plaintiff's counsel.

4. On June 12, 2020, Plaintiff filed his motion for leave to file an amendment and attached the proposed First Amended Complaint (d/e #63).

5. This Court entered an order on June 17, 2020, directing Defendants to file a response to Plaintiff's motion by July 1, 2020 (d/e #64).

6. Defendants' counsel have since conferred amongst themselves and can now respond that, without waiving any defenses, they have no objection to the filing of the proposed amendment.

7. However, Defendants point out that the amendment should be styled as a Second Amended Complaint. Plaintiff had previously filed a motion for leave to file a First Amended Complaint on January 23, 2019, and again on January 29, 2019 (d/e ##18 and 21), and those motions were denied by Judge Norgle (d/e ## 35 and 36).

8. The parties have conferred and suggest to the Court that it grant Defendants 30 days to answer or otherwise plead to the proposed amendment.

WHEREFORE, the Defendants, VILLAGE OF MELROSE PARK, RONALD M. SERPICO, SAM C. PITASSI, MICHAEL CASTELLAN and STEVE ROGOWSKI, agree to the

filings of the Plaintiff's amendment and request 30 days in which to file their answer or otherwise respond.

s/Michael D. Bersani

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s/Jeffrey S. Fowler

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN SCATCHELL,
Plaintiff,
vs.
VILLAGE OF MELROSE PARK,
RONALD M SERPICO, SAM C. PITASSI,
MICHAEL CASTELLAN, and
STEVE ROGOWSKI
Defendants.
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Case No. 18-cv-3989
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Honorable Charles R. Norgle, Sr
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)
Honorable Michael T. Mason
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JURY TRIAL DEMANDED
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)

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2020, I electronically filed the foregoing **Defendants' Joint Response to Plaintiff's Motion for Leave to File First Amended Complaint** with the Clerk of the U.S. District Court for the Northern District of Illinois, Eastern Division, using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

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